

600. RULES FOR CONTROL OF OPEN BURNING.

The purpose of Sections 600 through ~~617~~623 is to reduce the amount of emissions and minimize the impact of open burning to protect human health and the environment from air pollutants resulting from open burning as well as to reduce the visibility impairment in mandatory Class I Federal Areas in accordance with the regional haze long-term strategy referenced at Section 667. (3-30-07)

601. FIRE PERMITS, HAZARDOUS MATERIALS, AND LIABILITY.

Compliance with the provisions of Sections 600 through ~~617~~623 does not exempt or excuse any person from complying with applicable laws and ordinances of other jurisdictions responsible for fire control or hazardous material disposal or from liability for damages or injuries which may result from open burning. (3-21-03)

602. NONPREEMPTION OF OTHER JURISDICTIONS.

The provisions of Sections 600 through ~~617~~623 are not intended to interfere with the rights of any city, county or other governmental entities or agencies to provide equal or more stringent control of open burning within their respective jurisdictions. (3-21-03)

603. GENERAL RESTRICTIONS.

01. Categories and Materials. No person shall allow, suffer, cause or permit any open burning operation unless it is a category of open burning set forth in Sections 600 through ~~617~~623 and the materials burned do not include any of the following: (3-21-03)

- a.** Garbage, as defined in Section 006. (3-21-03)
- b.** Dead animals, animal parts, or animal wastes (feces, feathers, litter, etc.) except as provided in Section 616. (3-21-03)
- c.** Motor vehicles, parts, or any materials resulting from a salvage operation. (3-21-03)
- d.** Tires or other rubber materials or products. (3-21-03)
- e.** Plastics. (3-21-03)
- f.** Asphalt or composition roofing or any other asphaltic material or product. (3-21-03)
- g.** Tar, tar paper, waste or heavy petroleum products, or paints. (3-21-03)
- h.** Lumber or timbers treated with preservatives. (3-21-03)
- i.** Trade waste, as defined in Section 006, except as specifically allowed under Sections 600 through ~~617~~623. (3-21-03)
- j.** Insulated wire. (3-21-03)
- k.** Pathogenic wastes. (3-21-03)
- l.** Hazardous wastes. (5-1-94)

02. Air Pollution Episodes. No person shall allow, suffer, cause or permit any open burning to be initiated during any stage of an air pollution episode declared by the Department in accordance with Sections 550, through 562. (3-21-03)

03. Emergency Authority. In accordance with Title 39, Chapter 1, Idaho Code, the Department has the authority to require immediate abatement of any open burning in cases of emergency requiring immediate action to protect human health or safety. (3-21-03)

604. -- 605. (RESERVED).

606. CATEGORIES OF ALLOWABLE BURNING.

The purpose of Sections 606 through ~~617~~623 is to establish categories of open burning that are allowed when done according to prescribed conditions. Unless specifically exempted each category in Sections 606 through ~~617~~623 is subject to all of the provisions of Sections 600 through 605. (3-21-03)

(BREAK IN CONTINUITY OF SECTIONS)

617. CROP RESIDUE .

The open burning of crop residue on fields where the crops were grown is an allowable form of open burning if conducted in accordance with ~~the Smoke Management and Crop Residue Disposal Act, Chapter 48, Title 22, Section 39-114, Idaho Code, and the rules promulgated pursuant thereto, IDAPA 02.06.16, "Crop Residue Disposal Rules."~~ Sections 618 through 623 of these rules. (3-21-03)

618. PERMIT BY RULE.

01. General Requirements. All persons shall be deemed to have a permit by rule if they comply with all the provisions of Sections 618 through 623. No person shall conduct an open burn of crop residue without obtaining the applicable permit by rule. The permit by rule does not relieve the applicant from obtaining all other required permits and approvals required by other state and local fire agencies or permitting authorities. ()

02. Forms. The Department shall provide the appropriate forms to complete the permit by rule. Forms may be available at the Department offices or on the Department website. ()

619. REGISTRATION FOR PERMIT BY RULE.

Any person applying to burn crop residue shall annually provide the following registration information to the Department at least thirty (30) days prior to the date the applicant proposes to burn: ()

01. Location of Property. Street address of the property upon which the proposed burning of crop residue will occur or, if there is no street address of the property, the legal description of the property using township, range and section for the Idaho meridian: ()

02. Applicant Information. Name, mailing address, and telephone number of the applicant, property owner, and the person who will be responsible for conducting the proposed burning of crop residue and the portable form of communication referenced in Subsection 622.01.c; ()

03. Plot Plan. A plot plan showing the location of each proposed crop residue burning area in relation to the property lines and indicating the distances and directions of the nearest residential, public, and commercial properties, and roads, and other areas that could be impacted by the burning: ()

04. Type, Acreage and Fuel Characteristics of Crop Residue Proposed to be Burned. The crop type, area over which burning will be conducted (acres), and other fuel characteristics: ()

05. Burning Method. A description of the burning method(s) to be used (pile or stack burn, open field or broadcast burn, windrow burn, mobile field sanitizer, etc.) and the amount of residue to be burned with each method: ()

05. Preventive Measures. A description of the measures that will be taken to prevent escaped burns or expansion of existing burns, including but not limited to the availability of water and plowed firebreaks; and ()

06. **Date of Burning.** The requested date(s) when the proposed crop residue burning would be conducted **or the proposed date the field will be available to be burned.** ()

620. REGISTRATION FEE.

01. **Payment of Fee.** The permit by rule registration fee set out in Section 39-114, Idaho Code, shall be paid in its entirety at the time the required registration form is submitted to the Department. The permit by rule registration form and fee should be sent to:

Permit by Rule Registration Fees
Fiscal Office
Idaho Department of Environmental Quality
1410 N. Hilton, Boise, ID 83706-1255 ()

02. **Effect of Payment.** Payment of the registration fee does not imply authorization or approval to burn. ()

621. BURN DETERMINATION.

01. **Burn Approval Criteria.** The Department shall develop a Crop Residue Operating Guide to use in assisting in the determination of burn approvals. The permittee shall obtain **initial** approval from the Department for the proposed burn at least twenty-four (24) hours in advance of the burn. **The permittee shall confirm with the Department the approval the morning of the proposed burn.** The Department may shorten this time frame if meteorological or other applicable conditions change that will impact the air quality during the proposed burn period. To approve a permittee's request to burn, the Department must determine that ambient air quality levels have not exceeded seventy-five percent (75%) of the level of any national ambient air quality standards on any **burn** day and are not projected to exceed such level over the next twenty-four (24) hours, and ambient air quality levels have not reached, and are not predicted to reach and persist at, eighty percent (80%) of the one (1) hour action criteria for particulate matter under Section 556 of these rules. In making this determination, the Department shall consider:()

a. **Expected Emissions.** Expected emissions from all burns proposed for the same dates; ()

b. **Proximity of Other Burns.** The proximity of other burns and other potential emission sources within the area to be affected by the proposed burn; ()

c. **Moisture Content.** Moisture content of the material to be burned; ()

d. **Acreage and Crop Type.** Acreage and crop type to be burned; ()

e. **Meteorological Conditions.** Meteorological conditions; ()

f. **Proximity to Institutions with Sensitive Populations.**

i. The proximity of the burn to institutions with sensitive populations, including public schools; hospitals; residential health care facilities for children, the elderly or infirm; and other institutions with sensitive populations as approved by the Department. The Department shall not authorize a burn if conditions are such that institutions with sensitive populations will be adversely impacted. ~~In making this determination, the Department shall review, among other things, wind direction;~~

ii. In regard to the open burning of turf grass, the Department shall not authorize a burn within three (3) miles of an institution with sensitive populations if EPA-recognized meso-scale predictive models or local surface observations, if available, indicate wind direction is towards the institutions with sensitive populations except when the Department:

a. Has assigned a field coordinator to observe the smoke plume or plumes during the approved burn period; or

b. Has located a monitor with the capability of providing to the Department real-time concentrations of PM2.5 in the vicinity of the institution with sensitive populations; and

c. Has determined that under prevailing atmospheric conditions institutions with sensitive populations will not be adversely impacted.

g. **Proximity to Public Roadways.** Proximity to public roadways; and

h. **Proximity to Airports.** Proximity to airports; and

i. **Other Relevant Factors.** Any other factors relevant to preventing exceedances of the air quality concentrations of Section 621. ()

02. Notification of Approval. If the Department approves the burn, then it will forward to the permittee post on its website written notification of the approval and any specific conditions under which the burn is approved. Special conditions may include, but are not limited to: ()

a. Conditions for burns near institutions with sensitive populations; ()

b. The requirement to prevent expansion of existing burns if the Department determines pollutant concentrations reach the levels in Subsection 621.01; ()

c. Conditions to ensure the burn does not create a hazard for travel on a public roadway; and ()

d. The requirement to consult with the Department to determine actions to be taken if atmospheric or other local conditions at the burn site fail to satisfy the conditions specified in the notice of approval to burn. ()

622. GENERAL PROVISIONS.

01. Burn Provisions. All persons in Idaho intending to dispose of crop residue through burning shall abide by the following provisions: ()

a. **Burning Prohibitions.** Burning of crop residue shall not be conducted on weekends, federal or state holidays, or after sunset or before sunrise. ()

b. **Designated Burn Day.** Burning of crop residue shall not be conducted unless the Department has designated that day a burn day and the permittee has received individual approval specifying the conditions under which the burn may be conducted. ()

c. **Portable Form of Communication.** The person conducting the burning must have on their possession a portable form of communication such as a cellular phone or radio of compatible frequency with the Department in order to receive information that might require measures to prevent expansion of existing burns. ()

d. **Location of Field Burning.** Open burning of crop residue shall be conducted in the field where it was generated. ()

e. **Limitations on Burning.** The permittee burning in proximity to institutions with sensitive populations, as determined in Subsection 621.01.f., shall take action to prevent expansion of the burn if the Department determines that the burn may have an adverse impact on institutions with sensitive populations.

f. **Training Session.** All persons intending to burn crop residue shall attend a crop residue burning training session provided by the Idaho Department of Environmental Quality or the Idaho State Department of Agriculture and shall attend a crop residue disposal refresher training session every five (5) years. ()

g. **Air Stagnation or Degraded Air Quality Advisory.** All field burning shall be prohibited when

the Department issues an air quality forecast and caution, alert, warning or emergency as identified in Section 552 of these rules. ()

h. Allowable Forms of Open Burning. The use of reburn machines, propane flammers, or other portable devices to ignite or reignite a field for the purposes of crop residue burning shall be considered an allowable form of open burning. Tires and other restricted material described in Section 603.01 are not allowed for ignition of fields. ()

i. Additional Burn Permits. All persons intending to burn crop residue shall obtain any additional applicable permits from federal, state or local fire control authorities prior to receiving approval from the Department to burn crop residue. ()

i. Reporting to the Department. All persons burning crop residue shall report to the Department the date burning was conducted, and the actual number and location of acres burned, and other information as required by the Department. The Department may restrict further burning by a permittee until completed burns are reported. ()

02. Annual Report. The Department shall develop an annual report that shall include, at a minimum, an analysis of the causes of each exceedance of a limitation in Section 621, if any, and an assessment of the circumstances associated with any reported endangerment to human health associated with a burn. The report shall include any proposed revisions to these rules or the Crop Residue Operating Guide deemed necessary to prevent future exceedances. ()

03. Advisory Committee. The Department will assemble an advisory committee consisting of representatives from environmental organizations, farming organizations, health organizations, tribal organizations, the Idaho State Department of Agriculture, the Idaho Department of Environmental Quality, and others to discuss open burning of crop residue issues. ()

623. PUBLIC NOTIFICATION

01. Designation of Burn Days. The Director or his designee shall designate for a given county or airshed within a county burn or no burn days. ()

02. Posting on Website. The Department shall post daily on its website: ()

a. Whether a given day is a burn or no burn day; ()

b. The location and number of acres permitted to be burned; ()

c. Meteorological conditions and any real time ambient air quality monitoring data; and ()

d. A toll free number to receive requests for information. ()

03. E-Mail Update Service. The Department shall provide an opportunity for interested persons to sign up to receive automatic e-mail updates for information regarding the open burning of crop residue. ()

~~618.—~~ 624. (RESERVED).

625. VISIBLE EMISSIONS.

A person shall not discharge any air pollutant into the atmosphere from any point of emission for a period or periods aggregating more than three (3) minutes in any sixty (60) minute period which is greater than twenty percent (20%) opacity as determined by this section. (4-5-00)

01. Exemptions. The provisions of this section shall not apply to: (4-5-00)

a. Kraft Process Lime Kilns, if operating prior to January 24, 1969; or (5-1-94)

- b. Carbon Monoxide Flare Pits on Elemental Phosphorous Furnaces, if operating prior to January 24, 1969; or (5-1-94)
- c. Liquid Phosphorous Loading Operations, if operating prior to January 24, 1969; or (5-1-94)
- d. Wigwam Burners; or (5-1-94)
- e. Kraft Process Recovery Furnaces. (5-1-94)
- f. Calcining Operations Utilizing an Electrostatic Precipitator to Control Emissions, if operating prior to January 24, 1969. (5-1-94)

02. Standards for Exempted Sources. Except as provided in Section 626, for sources exempted from the provisions of this section, a person shall not discharge into the atmosphere from any point of emission, for any air pollutant for a period or periods aggregating more than three (3) minutes in any sixty (60) minute period which is greater than forty percent (40%) opacity as determined by this section. (4-5-00)

03. Exception. The provisions of this section shall not apply when the presence of uncombined water, nitrogen oxides and/or chlorine gas are the only reason(s) for the failure of the emission to comply with the requirements of this rule. (4-5-00)

04. Test Methods and Procedures. The appropriate test method under this section shall be EPA Method 9 (contained in 40 CFR Part 60) with the method of calculating opacity exceedances altered as follows: (4-5-00)

a. Opacity evaluations shall be conducted using forms available from the Department or similar forms approved by the Department. (4-5-00)

b. Opacity shall be determined by counting the number of readings in excess of the percent opacity limitation, dividing this number by four (4) (each reading is deemed to represent fifteen (15) seconds) to find the number of minutes in excess of the percent opacity limitation. This method is described in the Procedures Manual for Air Pollution Control, Section II (Evaluation of Visible Emissions Manual), September 1986. (4-5-00)

c. Sources subject to New Source Performance Standards must calculate opacity as detailed above and as specified in 40 CFR Part 60.

05. Applicability. Section 625 shall not apply to the open burning of crop residue. ()